

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 14th July, 2004 at 2.00 p.m.

Present: Councillor J.W. Hope (Chairman)
Councillor J. Stone (Vice Chairman)

Councillors: B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton, J.P. Thomas and J.B. Williams

28. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, PJ Dauncey and TM James.

29. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
Mrs LO Barnett	Agenda Item 9 – DCNW2004/1511/F – Tenting Site and Mobile Retirement Home in Field NGR 7306 Plus Conversion of Existing Shed to Toilet and Shower at the Willows, Birtley, Bucknell, Herefordshire, SY7 0DT.	Prejudicial and left the meeting for the duration of this item.

30. MINUTES

RESOLVED: That the Minutes of the meeting held on 16 June 2004 be approved as a correct record and signed by the Chairman subject to the following amendments:

- (a) Add the following to minute 4 (Minutes) - “Councillor Mrs L.O. Barnett asked the question of the Planning Officer what were the circumstances for setting aside the local plan and was advised that where there were material planning considerations involved”.
- (b) the inclusion of PJ Dauncey in the list of those present;
- (c) minute 3 (Declarations of Interest) - replace the word “prejudicial” with the word “personal” in the interest declared by Councillor JW Hope and replace 9 with 7 in

- the interest declared by Councillor R.M. Manning;
and
(d) minute 7 – DCNC2003/1895/N (Pilot Plan for Accelerated Composting of Organic Material for 5 Years at Wharton Court, Wharton, Leominster, Herefordshire, HR6 0NX) – add the words “in consultation with the Local Ward Councillors and the Ward Councillors of adjoining wards” in the resolution.

31. ITEM FOR INFORMATION - APPEALS

The report of the Head of Planning Services was received and noted.

32. APPLICATIONS RECEIVED

The Sub-Committee considered the following planning applications received for the northern area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.

33. DCNC2004/1742/F - PROPOSED TERRACE OF THREE TWO STOREY DWELLINGS ON LAND TO REAR OF 27, 29 AND 31 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JQ (AGENDA ITEM 6)

The Principal Planning Officer reported that acceptable amended plans had been received from the applicant.

RESOLVED: That the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 - E16 (Removal of permitted development rights)

Reason: To safeguard the character and appearance of the area.

4 - E18 (No new windows in specified elevation) (delete ‘no dormers’, insert ‘southern end elevation’)

Reason: In order to protect the residential amenity of adjacent properties.

5 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

6 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

7 - F17 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

8 - G01 (Details of boundary treatments) ('buildings are occupied', delete 'timetable to be agreed')

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

9.- A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - HN01 - Mud on highway

3 - HN04 - Private apparatus within highway

4 - HN05 - Works within the highway

5 - HN10 - No drainage to discharge to highway

34. DCNW2004/0829/F - TWO STOREY EXTENSION AND CONSERVATORY AT RHODDS FARM, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3LW (AGENDA ITEM 7)

In accordance with the criteria for public speaking Mr Spreckley, the agent acting on behalf of the applicant spoke in favour of the application.

The Sub-Committee considered details about the application and took the view that because of the remote and concealed location of the dwelling, the proposed extension would not be detrimental to the area of Great Landscape Value. It was also felt that the proposed extension would enhance the existing dwelling rather than detract from it.

RESOLVED: That

- (a) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions and any other conditions felt to be necessary by the Head of Planning Services and subject to the Local Ward Councillor, being consulted, provided that the Head of Planning Services does not refer the application to the Planning Committee;**

1. **A01 – Time limit for commencement (full permission)**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act

1990

2. A06 – Development in accordance with approved plans

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B02 – Matching external materials (extension)

Reason: To ensure the external materials harmonise with the existing building.

and

- (b) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.

(Note: - The Northern Divisional Planning Officer said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services.)

35. DCNW2004/1391/F - ERECTION OF DETACHED DWELLING AND ANCILLARY TWO BAY GARAGE ON LAND ADJ TO BARBERRY COTTAGE, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UB (AGENDA ITEM 8)

The Sub-Committee felt that there was an advantage in holding a site inspection in respect of this application site and that two additional sites nearby which were due to be submitted to a future meeting of the Sub-Committee should also be visited at the same time.

RESOLVED: That consideration of the application be deferred for a site inspection and that the following sites also be inspected on the grounds that the character or appearance of the development itself is a fundamental planning consideration; and the setting and surroundings are fundamental to the determination or to the conditions being considered.

- (a) DCNW2004/2056/O – Demolition of Existing Dwellings and Out Buildings and Site for Construction of 3 Bedroomed Dwellings at Burnside, High Street, Leintwardine; and
- (b) DCNW2004/1841/F – Proposed Extension to Potato Shed at Court House Farm, Byton.

36. DCNW2004/1511/F - TENTING SITE AND MOBILE RETIREMENT HOME IN FIELD NGR 7306 PLUS CONVERSION OF EXISTING SHED TO TOILET AND SHOWER AT THE WILLOWS, BIRTLEY, BUCKNELL, HEREFORDSHIRE, SY7 0DT (AGENDA ITEM 9)

Councillor J Stone was of the opinion that the application met the Council's criteria for tourism, there would be no adverse effect on the local environment and that such an enterprise should be encouraged in line with the Council's policies on economic development. He suggested that a suitable landscaping scheme could be delegated to the officers to agree with the applicant and that an agreement could be reached with the Environment Agency about acceptable drainage. He was of the view that the application should be approved because it complied with policies A2(D), A39 and A38.

The Head of Planning Services advised that there were key policy issues at stake regarding the application and it posed the threat of creating a new residential unit in the open countryside. There had also been no business case put forward in support of the application.

The Sub-Committee considered all the aspects of the application and a motion that approval should be granted for a limited period of 2 years was lost.

RESOLVED: Subject to the receipt of further information relating to the proposed foul drainage arrangements, that planning permission be refused for the following reasons:

- (1) The proposed siting of the mobile retirement home would be tantamount to the creation of a new dwelling, which, in the absence of any exceptional circumstances to justify otherwise, would be contrary to Policy H20 of the Hereford and Worcester County Structure Plan, Policy A2(D) of the Leominster District Local Plan and Policy F18 of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft).
- (2) The proposed siting of the mobile retirement home and the additional pressure for the creation of a residential curtilage and associated domestic paraphernalia would represent development out of keeping with the character and appearance of the site and the surrounding countryside, which is designated as an Area of Great Landscape Value. Accordingly, the proposal as a whole would be contrary to Policies E20, CTC2 and TSM1 of the Hereford and Worcester County Structure Plan; Policies A9, A38, A39 and A58 of the Leominster District Local Plan and Policies E11, LA1 and RST14 of the emerging Herefordshire UDP (Revised Deposit Draft).

37. DCNC2004/1455/F - EXTENSION TO HOUSE, NEW ACCESS AND WORKSHOP/GARAGE AND SITING OF NEW OIL TANK AT HILL VIEW, NEWTON, LEOMINSTER, HEREFORDSHIRE, HR6 0PF (AGENDA ITEM 10)

RESOLVED: That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 - A09 (Amended plans)(18th June 2004)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - Prior to the commencement of development, details of the proposed surfacing material to the new driveway shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

5 - E08 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

6 - H01 (Single access - not footway)(new access set back 5 metres)

Reason: In the interests of highway safety.

7 - H05 (Access gates)(set back 5 metres)

Reason: In the interests of highway safety.

8 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - HN01 - Mud on highway**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**

38. DCNE2004/0317/F - DETACHED DWELLING HOUSE ON PLOT AT HORSE ROAD, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LS (AGENDA ITEM 11)

The Principal Planning Officer referred to paragraph 5.2 of the report and said that 6 letters of objection have been received and not 5.

In accordance for the criteria for public speaking Mr McCleary and Mr Snell spoke against the application.

Councillors R Mills and R Stockton the Local Ward Members expressed a number of reservations about the application, particularly regarding the height and location of the proposed dwelling in relation to existing dwellings. It was agreed that these concerns should be raised with the applicants.

RESOLVED: That the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission after further negotiations with the applicants regarding location of the dwelling, materials, passing places, protection of trees; in consultation with the Local Ward Councillors and Chairman of the Sub-Committee and subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - A09 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

- 4 - F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 5 - G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 6 - G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 7 - Prior to work commencing a slope stability report together with methods for the construction of buildings on the site including their foundations and any retaining walls shall be submitted to and approved in writing by the local planning authority.**

Reason: In order to clarify the terms of this permission.

- 8 - No ground reduction levels shall take place within one metre of the neighbouring boundary fence and 2 metres of the roadside hedge.**

Reason: In order to clarify the terms of this permission.

- 9 - H01 (Single access - not footway)**

Reason: In the interests of highway safety.

- 10 - H05 (Access gates)**

Reason: In the interests of highway safety.

11 - H12 (Parking and turning - single house)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

39. DCNE2004/1171/F - ERECTION OF A DETACHED DWELLING AND NEW VEHICULAR ACCESS TO MELROSE, AT MELROSE, THE CRESCENT, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6QN (AGENDA ITEM 12)

In accordance with the criteria for public speaking Mr Sutton the agent acting on behalf of the applicant spoke in favour of the application.

Councillor RV Stockton, one of the Local Ward Members expressed reservations about the application, feeling that the type and location of the dwelling would be totally out of keeping with the existing residential development. He was also concerned that it could lead to similar applications which would exacerbate the problem and have a detrimental effect the character of Colwall by being out of keeping with the existing development there.

RESOLVED: That**(a)**

The Northern Area Planning Sub-Committee is minded to refuse the application because the proposal would be detrimental to the visual amenity of the area and accordingly contrary to Policy CTC9 of Hereford and Worcester County Structure Plan and Housing Policy 3 of the Malvern Hills District Local Plan and any further reasons for refusal felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee;

and**(b)**

If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.

(Note: - The Northern Divisional Planning Officer said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services.)

40. DCNE2004/1771/F - AGRICULTURAL BUILDING AT ORCHARD MEADOW, NEWTOWN, LEDBURY HR8 2UG (AGENDA ITEM 13)

It was reported that Yarkhill Parish Council had raised no objection to the application.

In accordance with the criteria for public speaking Ms Hill spoke in favour of her application.

RESOLVED: That planning permission be granted subject to the following conditions:

1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - Prior to the commencement of development the mobile homes located on the site of the proposed shed shall be permanently removed from the holding.

Reason: To secure an enhancement to the character and appearance of the area.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - The applicant is reminded that all washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water."

41. DCNW2004/1404/M - VARIATION OF CONDITIONS 9 & 10 OF PLANNING PERMISSION NW2002/0573/M (OPERATING HOURS AND NOISE RESTRICTIONS). LEINTHALL QUARRIES, LEINTHALL EARLS, LEOMINSTER, HEREFORDSHIRE, HR6 9TR (AGENDA ITEM 14)

RESOLVED: That

1. That Conditions 9 and 10 in permission NW2002/0573/M, granted 27th August, 2002, be deleted and replaced by the following new conditions:

- 9. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 0600-1800 Monday to Friday and 0600-1200 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, except that, until 10th August, 2009:**

- (i) the tarmac coating plant shall be allowed to commence at 0500 Monday to Saturday and
- (ii) on up to 6 occasions in each calendar year, the operation and the use of the tarmac coating plant and loading and despatch of vehicles on Sundays may be undertaken. A record of the date of such Sunday working shall be forwarded in writing to the Local Planning authority within 3 working days of each and every occasion of Sunday working.

Reason: In order to protect the amenity of occupiers of nearby properties

10. At a distance of 3.5m from the nearest façade of the nearest residential property, the noise level from the quarrying, roadstone coating and vehicle activities on site shall not exceed:

(i) 55dBL Aeq,1hr between 0700 to 1900hrs nor

(ii) 42dBL Aeq,1hr between 0500 to 0700hrs

No noisy operations on site that will be audible at the nearest houses shall be permitted between 1900 to 0500hrs

All measurements to be taken in accordance with BS 4142.

Reason: In order to protect the amenity of occupiers of nearby properties.

2. That Officers named in the Scheme of Delegation to Officers be authorised to amend the other conditions on the permission as they consider necessary to reflect that the permission for mineral extraction has been commenced and that the wording of some conditions (e.g. A01 standard commencement) are no longer relevant.

The meeting ended at 3.18 p.m.

CHAIRMAN